

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3 and 6-56 are currently pending in the application and the independent claims are Claims 1, 17, 21, 31, 44, 50 and 54. Claims 4 and 5 were previously canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 11-17, 21-22, 31, 38, 40, 43-44 and 50-56 are currently amended with support found in the original disclosure. Further, editorial amendments have been made throughout the claims to correct grammatical errors and other informalities therein. Unless otherwise described below, such amendments are not submitted in response to any of the outstanding rejections. Further, no new matter has been added. Favorable consideration is respectfully requested.

Cited References

The following references have been applied to reject one or more claims of the Application:

Shah-Nazaroff: Shah-Nazaroff et al., U.S. Patent No. 6,157,377

Plotnick: Plotnick et al., U.S. Publication No. 2002/0144262

Blahut: Blahut, U.S. Patent No. 5,532,735

Rodriguez: Rodriguez, U.S. Patent No. 7,340,759

Stuckman: Stuckman et al., U.S. Publication No. 2004/0111756

Eldering: Eldering et al., U.S. Publication No. 2003/0149975

Yui: Yui et al., U.S. Patent No. 6,972,680

§103(a) Rejections

At the outset, the Office Action fails to address the status of, at least, claims 29-30, 45 and 51 in the August 12, 2009 Office Action. Pursuant to the interview conducted on September 15, 2009, the Examiner confirmed the foregoing and directed Applicant's representative to the rejection of these claims in the Non-Final Office Action dated February 19, 2008 or Final Office Action dated March 31, 2009. Nevertheless, Applicant respectfully submits that the current amendments and remarks are also sufficient to address these claims as well.

Claims 1-6, 13, 15, 17-22, 24-26, 31-32, 34-36, 41, 44, 46-47, 50 and 54-56

Claims 1-6, 13, 15, 17-22, 24-26, 31-32, 34-36, 41, 44, 46-47, 50 and 54-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shah in view of Plotnick and in further view of Blahut. Applicant respectfully traverses the rejection, and further requests that the rejections be reconsidered and withdrawn.

As currently amended, independent claims 1, 17, 21, 31, 44, 50 and 54 recite, in pertinent part, the following (emphasis added):

1. ...the content server further configured to receive a view control input from the client device after the media content and the advertisement have been distributed to the client device indicating how the media content and the advertisement are to be rendered, wherein the view control input comprises a navigation control **comprising one or more commands for fast-forward, skip-ahead and jump** to determine whether the advertisement is rendered for viewing...

17. ...the valuation application further configured to adjust the cost allocated for the video content if the advertisement is rendered for viewing by the client device, wherein adjustment of the cost is a direct function of a user viewing interaction based on a view control input received during a playback of the video content, **wherein the view control input comprises a navigation control comprising one or more commands for fast-forward, skip-ahead and jump**, and the cost is determined by a base time-

line based on rendering both the video content and the advertisement on the client device...

21. ...receive a view control input that indicates how the media content is to be rendered, wherein the view control input comprises a navigation control **comprising one or more commands for fast-forward, skip-ahead and jump** to determine whether the advertisement is rendered for viewing...

31. ...receiving a view control input from the client device that indicates how the media content is to be rendered, wherein the view control input comprises a navigation control **comprising one or more commands for fast-forward, skip-ahead and jump** determining whether the advertisement is rendered for viewing

44. ... receiving a view control input on the client device that indicates how the media content is to be rendered, wherein the view control input comprises a navigation control **comprising one or more commands for fast-forward, skip-ahead and jump** determining whether the advertisement is rendered for viewing...

50. ...allocate a cost for the media content that is distributed to the client device when the media content is distributed to the client device, wherein the cost is a direct function of a user viewing interaction based on a view control input, **wherein the view control input comprises a navigation control comprising one or more commands for fast-forward, skip-ahead and jump** received during a playback of the media content...

54. ...receive a view control input that indicates how the media content is to be rendered, wherein the view control input comprises a navigation control **comprising one or more commands for fast-forward, skip-ahead and jump** to determine whether the advertisement is rendered for viewing...

It is respectfully submitted that, although Blahut is directed to a interactive television systems providing for a viewer to select desired level of advertisements with which they are provided (Blahut, Abstract), **there is no teaching or suggestion therein of the navigation control comprising one or more commands for fast-forward, skip-ahead and jump as recited**

in the amended claims. Rather, Blahut describes an interactive television system (ITV) which transmits a program and a set of advertisements to a viewer and allows the viewer to specify the amount of advertisements she wishes to view with the program (Blahut, col. 1, line 61 – col. 2, line 18). Moreover, the Office’s cited portion to Blahut purporting to teach “navigation control,” as recited in the independent claims is incorrect (Office Action, pg. 5 citing Blahut at col. 5, lines 32-35). Instead, the cited portion describes a notification to the viewer of upcoming advertisements in the form of a prompt seeking a response from the viewer as to whether the viewer desires to “cancel” the set of upcoming advertisements (Blahut, col. 5, lines 30-35). Applicant respectfully submits that Blahut completely lacks navigation controls comprising one more commands for fast-forward, skip-ahead and jump but is rather limited to responding to system prompts to either cancel or view the advertisements. Accordingly, Blahut fails to teach or suggest, at least, “a navigation control comprising one or more commands for fast forward skip-ahead and jump,” as recited in independent claims 1, 17, 21, 31, 44, 50 and 54.

Applicant further respectfully submits that Shah and Plotnick do not compensate for the aforementioned deficiencies of Blahut, relative to the pending claims, nor does the rejection advance any argument to that effect. Shah merely describes method for purchasing media features for programming transmissions (Shah, Abstract) while Plotnick merely describes presenting viewers with an alternative brief version of a recorded advertisement when a viewer chooses to skip the recorded advertisement (Plotnick, Abstract) .

Based on the foregoing, Applicant respectfully submits that independent claims 1, 17, 21, 31, 44, 50 and 54 are patentable over combination of Blahut and Shah and Plotnick and the present rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

The remaining claims not addressed hereinabove, depend from any of the currently pending independent claims, and therefore are also patentable over the proposed combination of references by virtue of, at least, their respective dependencies. Accordingly, Applicant also respectfully requests individual consideration of each dependent claim.

Claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53

Claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shah in view of Plotnick in further view of Blahut and in further view of Rodriguez. Applicant respectfully traverses the rejection, and further requests that the rejections be reconsidered and withdrawn.

Claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53 depend from one of the independent claims mentioned above. As such, these claims include the limitation, “a navigation control comprising one or more commands for fast-forward, skip-ahead and jump,” as recited in independent claims 1, 17, 21, 31, 44 and 50. As detailed above, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the foregoing.

Applicant respectfully submits that Rodriguez provides no assistance in light of Shah, Plotnick and Blahut with respect to claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53 since Rodriguez fails to rectify the deficiencies of Shah, Plotnick and Blahut as provided with respect to the independent claims. Rather, Rodriguez describes a method for pricing viewing options in a digital broadband communication network by receiving bandwidth allocation information and

assigning price criterion based on the bandwidth allocation information (Rodriguez, Abstract). As such, Applicant respectfully submits that the purported combination of Rodriguez, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the features of claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53.

Based on the foregoing, Applicant respectfully traverses the rejection with respect to claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53 and respectfully request the rejections be reconsidered and withdrawn.

Claims 8 and 36

Claims 8 and 36 stand rejected under 35 USC §103(a) as being unpatentable over Shah in view of Plotnick in further view of Blahut and in further view of Stuckman. Applicant respectfully traverses the rejection, and further requests that the rejections be reconsidered and withdrawn.

Claims 8 and 36 depend from claims 1 and 31 respectively and include the limitation, “a navigation control comprising one or more commands for fast-forward, skip-ahead and jump,” as recited in independent claims 1 and 31. As detailed above with respect to independent claims 1 and 31, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the foregoing.

Applicant respectfully submits that Stuckman provides no assistance in light of Shah, Plotnick and Blahut with respect to claims 8 and 36 since Stuckman fails to rectify the deficiencies of Shah, Plotnick and Blahut as provided with respect to independent claims 1 and 31. Rather, Stuckman describes a list of video programs downloadable via a digital subscriber list, including a presently-unavailable video program and its associated date of download

availability (Stuckman, Abstract). As such, Applicant respectfully submits that the purported combination of Stuckman, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the features of claims 8 and 36.

Based on the foregoing, Applicant respectfully traverses the rejection with respect to claims 8 and 36 and respectfully request the rejections be reconsidered and withdrawn.

Claims 14 and 42

Claims 14 and 42 stand rejected under 35 USC §103(a) as being unpatentable over Shah in view of Plotnick in further view of Blahut and in further view of Eldering. Applicant respectfully traverses the rejection, and further requests that the rejections be reconsidered and withdrawn.

Claims 14 and 42 depend from claims 1 and 31 respectively, and include the limitation, “a navigation control comprising one or more commands for fast-forward, skip-ahead and jump,” as recited in independent claims 1 and 31. As detailed above with respect to independent claims 1 and 31, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the foregoing.

Applicant respectfully submits that Eldering provides no assistance in light of Shah, Plotnick and Blahut with respect to claims 14 and 42 since Eldering fails to rectify the deficiencies of Shah, Plotnick and Blahut as provided with respect to independent claims 1 and 31. Rather, Eldering describes selecting targeted advertisements based on viewing characteristics, presence or absence of specific transactions, demographics, video selection, or combinations thereof (Eldering, Abstract). As such, Applicant respectfully submits that the

purported combination of Eldering, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the features of claims 14 and 42.

Based on the foregoing, Applicant respectfully traverses the rejection with respect to claims 14 and 42 and respectfully request the rejections be reconsidered and withdrawn.

Claims 16 and 43

Claims 16 and 43 stand rejected under 35 USC §103(a) as being unpatentable over Shah in view of Plotnick in further view of Blahut and in further view of Rodriguez and in further view of Yui. Applicant respectfully traverses the rejection, and further requests that the rejections be reconsidered and withdrawn.

Claims 16 and 43 depend from claims 1 and 31 respectively and include the limitation, “a navigation control comprising one or more commands for fast-forward, skip-ahead and jump,” as recited in independent claims 1 and 31. As detailed above with respect to independent claims 1 and 31, Shah, Plotnick and Blahut, alone or in combination, fail to teach or suggest the foregoing. Moreover, as provided with respect to claims 7, 9-12, 27-28, 37-40, 43, 48-49 and 52-53, Rodriguez fails to rectify the deficiencies of Shah, Plotnick and Blahut.

Applicant respectfully submits that Yui provides no assistance in light of Shah, Plotnick and Blahut and Rodriguez with respect to claims 16 and 43 since Yui fails to rectify the deficiencies of Shah, Plotnick and Blahut as provided with respect to independent claims 1 and 31. Rather, Yui describes time shift viewing of television broadcast programs based on detecting movements of the viewer (Yui, Abstract). As such, Applicant respectfully submits that the purported combination of Yui, Shah, Plotnick, Blahut and Rodriguez, alone or in combination, fail to teach or suggest the features of claims 16 and 43.

Based on the foregoing, Applicant respectfully traverses the rejection with respect to claims 16 and 43 and respectfully request the rejections be reconsidered and withdrawn.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that claims 1-3 and 6-56 are in condition for allowance and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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